

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendments and in light of the following comments, is respectfully requested.

Claims 1-23 are pending in this application. Claim 1-14 are amended, and Claims 15-23 are newly added. Newly added Claims 15-23 are similar to the subject matter of original Claims 2-10, and therefore, it is believed no new matter is added by Claims 15-23. It is respectfully submitted that no new matter is added by this response.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by Sheu (U.S. Patent No. 5,781,715). Claims 3-6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sheu. Claim 7 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Gagliardi et al. (U.S. Patent No. 5,442,630, hereinafter Gagliardi). Claims 2 and 8-10 were objected to as dependent upon a rejected base claim, but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 11-14 were allowed.

Applicants initially gratefully acknowledge the early indication of allowability of Claims 11-14 and the early indication of allowable subject matter in each of Claims 2 and 8-10. Accordingly, new Claim 15 is similar in subject matter to Claim 2 rewritten in independent form including all of the limitations of its base claim and any intervening claims. Further, new Claims 16-23 are similar in subject matter to dependent Claims 3-10. Therefore, it is respectfully submitted that no new matter is added by Claims 15-23, and that new Claims 15-23 are in condition for allowance.

Addressing now the rejection of Claim 1 under 35 U.S.C. § 102(e) as unpatentable over Sheu, that rejection is traversed.

Claim 1 is amended consistent with the specification to clarify features therein. Support for the amendment is found at least at page 8, lines 13-17 of the Applicants'

specification, and therefore no new matter is added by the amendment. The network for distributing information recited in amended Claim 1 includes splitting devices connected to a central unit and to stations with interface devices linked to a first splitting device and second splitting device, “wherein protocol exchanges between the central unit and interface device are organized such that the central unit can determine whether a terminal is faulty, an interface is faulty, or the splitting device is faulty.” That feature is believed to distinguish over the applied art.

In a non-limiting example as shown in Figure 1, station 3 including interface device 23 is connected to switching device 20 and switching device 21, which are both connected to central unit 19. For the central unit 19 to be informed of a fault, the central unit 19 and the interface device 23 periodically send protocol messages regarding availability.¹ The protocol exchanges between the central unit 19 and the interface device 23 are organized such that the central unit can determine whether a terminal is faulty, an interface is faulty, or the whole splitting device is faulty.²

Sheu discloses a fault-tolerant router that provides the prevention of packet loss so that a source station does not have to resend lost packets blocked due to a failed processing element.³ In Sheu, Figure 2 discloses a router 20 including a plurality of processing elements for interfacing with LANs connected to stations 32 and 34.⁴ In paragraph 2 of the outstanding Office Action, the router 20 is noted as corresponding to the “central unit” in Claim 1 and processing elements 22-28 are noted as corresponding to the “information splitting devices” in Claim 1.⁵ Further, the Office Action states the interface device in Claim 1 is implicitly shown.⁶ In Sheu, when a processing element fails a switchover mechanism is

¹ Applicants’ specification at least at page 7, line 25 to page 8, line 21.

² Id.

³ Sheu, column 2, lines 13-23.

⁴ Sheu, column 2, lines 56-65.

⁵ Office Action mailed February 25, 2004, page 2, paragraph 2.

⁶ Id.

employed to dynamically switch the function from the failed processing element to a second processing element that received the same packet, and therefore no packets need to be resent.⁷ The switchover is accomplished by messages exchanged between the processing elements.⁸ Sheu, however, does not disclose or suggest protocol exchanges between the central unit and interface device organized such that the central unit can determine whether a terminal is faulty, an interface is faulty, or the splitting device is faulty, as recited in Claim 1. Therefore, Sheu does not teach each and every limitation of amended Claim 1, and therefore the rejection of amended Claim 1 as anticipated by Sheu is overcome. Likewise, Claims 2-10 that depend from Claim 1 are believed to patentably distinguishable over Sheu, and therefore allowable for at least the reasons noted above.

Addressing now the rejection of Claims 3-6 under 35 U.S.C. § 103(a) as unpatentable over Sheu, that rejection is traversed by the present response.

As discussed above, Sheu does not teach or suggest the network for distributing information recited in amended Claim 1, “wherein protocol exchanges between the central unit and interface device are organized such that the central unit can determine whether a terminal is faulty, an interface is faulty, or the splitting device is faulty.” Therefore, Claims 3-6 that depend from amended Claim 1 are allowable for at least the same reasons as noted above, and therefore it is respectfully requested that this rejection be withdrawn.

Addressing now the rejection of Claim 7 under 35 U.S.C. § 103(a) as unpatentable over Sheu in view of Gagliardi, that rejection is traversed by the present response.

Gagliardi does not cure the deficiencies in the primary reference to Sheu as explained above with respect to amended Claim 1. Therefore, in light of the above comments, Claim 7 which depends from amended Claim 1 is also believed to distinguish over the applied art for similar reasons as discussed above.

⁷ Sheu, column 3, lines 52-60.

⁸ Sheu, column 4, lines 5-12.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

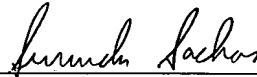
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
SAE:smi



Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423
Attorneys of Record